

TRANSCRIPT FORMAT

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PART 18.1 Introduction.

1. The Judicial Conference prescribed the transcript format in 1944 in order to assure that each party is treated equally throughout the country. Although the Conference has made some adjustments from time to time, the format has remained substantially the same. It is essential that the format requirements be followed because minor changes result in significant monetary losses to parties. No court, judge, supervisor, reporter, or transcriber may authorize a deviation from the requirements set forth by the Judicial Conference. The per-page transcript rates are based on strict adherence to the prescribed format. The format standards incorporate government standards for archival materials and assure that all transcript produced in federal courts is produced on the same basis.

PART 18.2 Judicial Conference Policy.

“Transcripts may be sold in computer diskette form in ASCII format, or other format requested by the ordering party and agreed to by the court reporter or transcriber, whether they represent originals, first copies, or additional copies.

“Each page of transcript sold on diskette must be formatted consistent with the Judicial Conference's approved transcript format guidelines, and diskettes may not contain any protection or programming codes that would prevent copying or transferring the data. (Report of Proceedings of the Judicial Conference of the United States, September 1991, page 65.)

“In order to conform to available technology, the Judicial Resources Committee

recommended, and the Judicial Conference approved, an amendment to the transcript format guidelines to delete the requirement that words be hyphenated at the end of a line of transcript text. (Report of the Proceedings of the Judicial Conference of the United States, March 1995, page 22.)

“On recommendation of the Committee on Judicial Resources, the Conference modified the Transcript Format Guidelines to provide an exception to the requirement that each page of transcript contain 25 lines of text. The exception allows a page break before and after sidebar conferences, bench conferences, and hearings on motions in jury trials when the transcript is produced under the daily or hourly delivery schedule and the exception is approved by the presiding judicial officer. Court reporters are required to reduce the page count for billing purposes by one-half page for every page of transcript which includes a sidebar conference, bench conference, or hearing on motions that is marked by such a page break. This modification will make it easier for a judge to provide portions of a transcript to a jury for review. (Report of the Proceedings of the Judicial Conference of the United States, March 1996, page 26.)

PART 18.3 Compressed Transcript.

As with diskettes, court reporters and transcribers who have the capability may sell compressed transcripts on a per page basis. However, there is not requirement to provide such service.

PART 18.4 Realtime Unedited Transcript.

Realtime unedited transcript sold on computer diskette may be in ASCII format, or any other format requested by the ordering party and agreed to by the court reporter. It should include any notations made to the electronic file by the ordering party during proceedings. Diskettes may not contain any protection or programming codes that would prevent copying or transferring the data. The transcript format guidelines prescribed by the Judicial Conference apply to realtime unedited transcript with the following exceptions:

18.4.1 Realtime unedited transcript must be clearly marked as such with a header or footer which appears at the top or bottom of each page of transcript stating, “Realtime Unedited Transcript Only.”

18.4.2 The realtime unedited transcript should not include an appearance page, an index, or a certification.

18.4.3 The diskette label may be of a different color than that used on diskettes containing the text of certified transcript and hand stamped with the words, “Realtime Unedited Transcript Only”.

PART 18.5 Paper.

The format standards for paper transcript incorporate government standards for archival materials, as well as assure that all transcript produced in federal courts is produced on the same basis, whether by official staff, contract, or substitute reporters, or by transcription

companies.

18.5.1 Size. Paper size is to be 8-1/2 X 11 inches.

18.5.2 Weight. The weight of paper is to be at least 13 pounds for both originals and copies.

18.5.3 Type. The paper type for both originals and copies is to be of chemical wood or better quality.

18.5.4 Color. White paper is to be used for both originals and copies.

PART 18.6 Ink Color.

Black ink is to be used for both originals and copies.

PART 18.7 Preprinted Marginal Lines.

The use of preprinted solid left and right marginal lines is required. The use of preprinted top and bottom marginal lines is optional. All preprinted lines must be placed on the page so that text actually begins 1-3/4 inches from the left side of the page and ends 3/8 inch from the right side of the page.

PART 18.8 Line Numbers.

Each page of transcription is to bear numbers indicating each line of transcription on the page.

PART 18.9 Typing.

18.9.1 Type Size. The letter character size is to be 10 letters to the inch. This provides for approximately 63 characters to each line. (Type should be letter quality.)

18.9.2 Number of Lines per Page. Each page of transcription is to contain 25 lines of text. The last page may contain fewer lines if it is less than a full page of transcription. Page numbers or notations cannot be considered part of the 25 lines of text.

An exception to the above requirement of 25 lines of text will be allowed when daily or hourly transcript of jury trials is produced and the exception is approved by the presiding judicial officer. The exception allows a page break before and after sidebar conferences, bench conferences, and hearings on motions. Court reporters are required to reduce the page count for billing purposes by one-half page for every page of transcript which includes a sidebar conference, bench conference, or hearing on motions that is marked by such a page break. This modification will make it easier for a judge to provide portions of a transcript to a jury for review.

18.9.3 Margins. Typing is to begin on each page at the 1-3/4 inch left margin and continue to the 3/8 inch right margin.

18.9.4 Spacing. Lines of transcript text are to be double spaced.

18.9.5 Upper/Lower Case. Upper and lower case is preferred but all upper case may be used.

18.9.6 Indentations.

18.9.6.a Q and A. All "Q" and "A" designations shall begin at the left margin. A period following the "Q" and "A" designation is optional. The statement following the "Q" and "A" shall begin on the fifth space from the left margin. Subsequent lines shall begin at the left margin. (See Exhibits 18.9-A through 18.9-E.)

Since depositions read at a trial have the same effect as oral testimony, the indentations for "Q" and "A" should be the same as described above. In the transcript, each question and answer read should be preceded by a quotation mark. At the conclusion of the reading, a closing quotation mark should be used.

18.9.6.b Colloquy. Speaker identification shall begin on the tenth space from the left margin followed directly by a colon. The statement shall begin on the third space after the colon. Subsequent lines shall begin at the left margin.

18.9.6.c Quotations. Quoted material other than depositions shall begin on the tenth space from the left margin, with additional quoted lines beginning at the tenth space from the left margin, with appropriate quotation marks used.

18.9.7 Interruptions of Speech and Simultaneous Discussions. Interruptions of speech shall be denoted by the use of a dash at the point of interruption, and again at the point the speaker resumes speaking. At the discretion of the transcriber, simultaneous discussions may also be noted in this manner. (See Exhibit 18.9-A, line 19 and Exhibit 18.9-B, line 10.)

18.9.8 Punctuation and Spelling. Punctuation and spelling shall be appropriate standard usage. For example, if a question in "Q" and "A" is indeed a question, it should be followed by a question mark. (See Exhibits 18.9-C through 18.9-E.)

18.9.9 Page Heading (Also Known as "Headers"). A page heading is brief descriptive information noted to aid in locating a person and/or event in a transcript. A page heading should be provided on each page of witness testimony; a page heading is optional for other types of persons and/or event notations. Listing the last name of the witness or other party and the type of examination or other event is sufficient. Page headings shall appear above line 1 on the same line as the page number. This information is not to be counted as a line of transcript. (See exhibits 18.9-A through 18.9-E.)

18.9.10 Parentheses. Parenthetical notations are generally marked by parentheses; however, brackets may be used.

Parenthetical notations shall begin with an open parenthesis on the fifth space from the left margin, with the remark beginning on the sixth space from the left margin. Parentheses are used for customary introductory statements such as call to order of court or swearing in a witness. See paragraph 18.10.2.a below for types of parenthetical notations. Parentheses are also used for indicating non-verbal behavior, pauses, and readback/playback. (See Exhibits 18.9-A through 18.9-E.)

18.9.11 Legibility. The original transcript and each copy are to be legible without any interlineations materially defacing the transcript.

PART 18.10 Content.

18.10.1 Verbal.

Except as noted below, the transcript shall contain all words and other verbal expressions uttered during the course of the proceeding.

18.10.1.a Striking of Portions of the Proceeding. No portion of the proceeding shall be omitted from the record by an order to strike. Regardless of requesting party, the material ordered stricken, as well as the order to strike, must all appear in the transcript. (See Exhibit 18.9-A.)

18.10.1.b Editing of Speech. The transcript should provide an accurate record of words spoken in the course of proceedings. All grammatical errors, changes of thought, contractions, misstatements, and poorly constructed sentences should be transcribed as spoken. (See Exhibit 18.9-B, line 8.) In the interest of readability, however, false starts, stutters, uhms and ahs, and other verbal tics are not normally included in transcripts; but such verbalizations must be transcribed whenever their exclusion could change a statement's meaning.

18.10.1.c Reporting of Audio/Video Recordings. Generally, audio/video recordings played in court are entered as an exhibit in a proceeding. Since such recordings are under the direct control of the court, audio/video recordings need not be transcribed unless the court so directs.

18.10.1.d Private Communications and Off the Record Conversations. Private communications and off the record conversations inadvertently recorded should not be included in the transcript. (See Exhibit 18.9-A, line 22.)

18.10.1.e Call to Order, Swearing in, or Affirmation of Witnesses or Jurors. Standard summary phrases shall be used for customary introductory statements such as the call to order of court and the swearing in or affirmation of witnesses.

These should appear in parentheses and begin with an open parenthesis on the fifth space from the left margin, with the remark beginning on the sixth space from the left margin.

The following phrases can be employed:

(Call to Order of the Court)

(The Jury Is Sworn)

(The Witness Is Sworn)

(The Witness Is Affirmed)

18.10.1.f Identification of Speaker. All speakers must be properly identified throughout the transcript, initially by their full name, thereafter by the following designations or courtesy titles, in capital letters indented ten spaces from the left margin:

Proper Transcript:

<u>Speaker</u>	<u>Identification</u>
the judge	THE COURT
attorney	MR., MRS., MS., OR MISS + (<u>last name</u>)
witness	THE WITNESS (in colloquy)
interpreter	THE INTERPRETER
defendant (in criminal cases)	THE DEFENDANT

(See Exhibits 18.9-A through 18.9-E.)

18.10.1.g Testimony Through Interpreter. When interpreters are used, it will be assumed that answers are made in a foreign language and interpreted unless a parenthetical "(in English)" is inserted. (See Exhibits 18.9-D and 18.9-E.)

18.10.2 Nonverbal.

18.10.2.a Designation of Portions of Proceedings and Time of Occurrence (Parenthetical Notations). Parenthetical notations in a transcript are a court reporter's or electronic court recorder operator's own words, enclosed in parentheses, recording some action or event. Parenthetical notations should be as short as possible consistent with clarity and standard word usage.

The following parenthetical notations should be used to designate portions of proceedings. Designations requiring a time notation are listed first:

(1) Proceedings Started, Recessed, and Adjourned, with Time of Day and Any Future Date Indicated where Appropriate.

Examples:

(Recess at 11:30 a.m.)

(Recess at 12:30 p.m., until 1:30 p.m.)

(Proceedings concluded at 5 p.m.)

(See Exhibit 18.9-A, line 4 and Exhibit 18.9-D, line 4.)

(2) Jury in/out.

Examples:

(Jury out at 10:35 a.m.)

(Jury in at 10:55 a.m.)

If a jury is involved, it is essential to indicate by the proper parenthetical notation whether the proceeding occurred in the presence of the jury, out of the presence of the jury, out of the hearing of the jury, prior to the jury entering the courtroom, or after the jury left the courtroom.

(3) Defendant Present/Not Present. In criminal trials, this designation must be made if not stated in the record by the judge.

(4) Bench/Side Bar Conferences. This designation should note whether the bench/side bar conference is on or off the record. If all the attorneys in court are not participating in the bench/side bar conference, the parenthetical notation should so indicate.

Examples:

(Bench conference on the record)

(Bench conference off the record with Mr. Smith, Mrs. Jones, and Mr. Adams)

(At side bar on the record)

(At side bar)

(End of discussion at side bar)

(See Exhibit 18.9-A, line 22.)

(5) Discussions off the Record. This designation should note where the discussion took place.

(6) Chambers Conferences. This designation should note the presence or absence of parties in chambers.

Examples:

(Discussion off the record in chambers with defendant not present)

(Discussion on the record in chambers with defendant present)

18.10.2.b Speaker/Event Identification. References to speakers and events that occur

throughout proceedings should be properly noted in capital letters and centered on the appropriate line.

Examples:

AFTER RECESS

DIRECT EXAMINATION

CROSS EXAMINATION

REDIRECT EXAMINATION

REXCROSS EXAMINATION

FURTHER REDIRECT EXAMINATION

PLAINTIFF'S EVIDENCE

PLAINTIFF RESTS

DEFENDANT'S EVIDENCE

DEFENDANT RESTS

PLAINTIFF'S EVIDENCE IN SURREBUTTAL

(See Exhibit 18.9-A, lines 7 and 8.)

18.10.2.c Nonverbal Behavior, Pauses. It is the responsibility of the attorneys, as well as the judge in some instances, to note for the record any significant nonverbal behavior, i.e., physical gestures, and lengthy pauses on the part of a witness. If counsel or the court refers to the witness's affirmative or negative gesture, parenthetical phrases may be used to indicate physical gestures.

Examples:

(Nods head up and down)

(Shakes head from side to side)

(Indicating)

(See Exhibit 18.9-C, line 14.)

18.10.2.d Readback/Playback. All readbacks and/or playbacks, and the party requesting should be noted parenthetically as follows:

(1) If the question and/or answer requested to be read or played back appears on the same page as the request, the following parenthetical should be used:

(The last question and/or answer was read/ played back)

(See Exhibit 18.9-E, line 17.)

(2) If, however, the question and/or answer, or both, appear on a previous page, the court reporter or audio operator should replay or restate the question and/or answer both, in full, with appropriate quotation marks and parentheses. The following parenthetical should be used for playbacks:

(The record was replayed)

18.10.2.e Indiscernible or Inaudible Speech on Electronic Sound Recording.
Incomplete records of proceedings are unacceptable in a court of law. It is therefore highly undesirable to have any portion of a transcript labeled "indiscernible" or "inaudible."

Every effort must be made to produce a complete transcript. The indication "inaudible" or "indiscernible" should be used only when it is impossible to transcribe the record.

PART 18.11 Title Page. (See Exhibit 18.11-A.)

18.11.1 Contents.

Each transcript is to include a title page indicating:

- a. Court name.
- b. District.
- c. Case name.
- d. Civil or criminal docket case number.
- e. Name and title of judge or other judicial officer presiding.
- f. Type of proceeding.
- g. Date and time of proceeding.
- h. Volume number (if multi-volume).
- i. Name and address of each attorney and name of party represented.
- j. Whether a jury was present.
- k. If steno based, court reporter's name, address, and telephone number.
- l. If electronic sound recording equipment based, audio operator's name, plus name, address, and telephone number of transcription company.
- m. Method by which the proceedings were recorded and the method by which the transcript was produced.

Examples:

- Proceedings recorded by mechanical stenography, transcript produced by notereading.
- Proceedings recorded by mechanical stenography, transcript produced by computer.
- Proceedings recorded by shorthand/stenomask, transcript produced from dictation.
- Proceedings recorded by electronic sound recording, transcript produced by transcription service.

18.11.2 Record of Appearance.

Beginning on the title page, the court reporter is to include the complete record of appearances.

18.11.3 Cost.

The court reporter may charge for the title page as a full page of transcript.

PART 18.12 Indexes.

18.12.1 Required.

Each volume is to contain an index which is to be numbered. It is preferable to have the index at the end. The court reporter may charge for the index page as a full page of transcript.

The index shall indicate the pages at which the direct examination, cross-examination, redirect examination, recross-examination, further redirect examination, and the recall of each witness begins. The index shall also indicate on behalf of whom the witness or witnesses were called, such as "PLAINTIFF'S WITNESSES," "WITNESSES FOR THE GOVERNMENT," "DEFENDANT'S WITNESSES," "WITNESSES FOR THE DEFENSE."

A separate table in the index should indicate the page at which any exhibit was marked for identification and received in evidence.

In a protracted case (i.e., a transcript of one thousand pages or more) in addition to the individual index, there may be a master index set forth in its own separate volume, consisting of a compilation of all of the individual indexes. (See Exhibit 18.12-A.)

18.12.2 Keyword.

No charge is permitted additional to the normal page rates for keyword indexing services. No additional charge is permitted for the cost of the diskette itself.

PART 18.13 Numbering.

18.13.1 Pages.

The pages of the transcript are to be numbered in a single series of consecutive numbers for each proceeding, regardless of the number of days involved. The court reporter shall place the page number at the top right corner of the page flush with the right margin above the first line of transcription. The page number does not count as a line of transcript. The pagination of the transcript of the further proceedings in the same matter shall follow consecutively the pagination of earlier proceedings, unless the presiding official directs otherwise.

18.13.2 Volumes.

Multi-volume transcripts should be numbered in either of the following ways:

Each volume of transcript should be numbered consecutively. One volume of transcript should be at least equal to one day of court proceedings. Pages may be numbered

consecutively for each volume of transcript, with the cover page of each volume designated page 1. Using this method, page numbers will begin with a volume number followed by the page number.

Examples: 1-14 (Volume 1, page 14)

2-54 (Volume 2, page 54)

If preferred, the pages may be numbered consecutively for an entire multiple-volume transcript.

Examples: 56 (Volume 1, page 56)

521 (Volume 3, page 521)

(See Exhibits 18.9-A through 18.9-E.)

PART 18.14 Cover.

The court reporter is to cover at no charge the original and each copy of transcript with front and back covers of good quality, consisting of white or colored 140 pound index paper, #1 sulphite paper, heavy weight transparent plastic, or similar material as the court approves.

PART 18.15 Punched Holes.

If the court reporter punches transcript with three (3) holes in the left margin, the holes are to be 4-1/4" center to center, with the middle hole centered in the page.

PART 18.16 Fastener.

The court reporter is to secure the transcript for each proceeding separately with a suitable fastener of permanent nature.

PART 18.17 Certification.

The court reporter or transcriber is to authenticate the original transcript and each copy with a certification on the last page. No additional fee is to be charged for the authentication and the certification. The certification is to appear on the last page of each volume of transcript.

If more than one court reporter or transcriber is involved in the production of the transcript being certified, then the certifications of each court reporter or transcriber involved shall be required at the end of each volume. (Note: The contents of the title page should not be repeated as part of the certification.)

A rubber stamp may be used to save time and space.

Sample Certification:

18.17.1 Stenography/Stenomask.

"I (we) certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter."

Signature of Court Reporter/
Transcriber
Date

typed or printed name

18.17.2 Transcriber's Certification for Another's Notes

"I (we) certify that the foregoing is a true and correct transcript, to the best of my ability, of the above pages, of the stenographic notes provided to me by the court name, of the proceedings taken on the date and time previously stated in the above matter. I (we) further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken, and further that I am not financially nor otherwise interested in the outcome of the action."

Signature of Transcriber
Date

typed or printed name

18.17.3 Electronic Sound Recording.

"I (we), court approved transcriber(s), certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter."

Signature of Approved Transcriber
Date

typed or printed name

PART 18.18 Copies.

Transcript copies may be reproduced by any method of reproduction which produces black text on white paper. There may be no markings on the original or copies that would hinder the clear reproduction by mechanical means by any court official or party.

